

**REMARKS**

**Summary of the Office Action**

1. Claims 1, 6, 16 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels (U.S. Patent No. 5,270,821) in view of Bertram et al. (U.S. Patent No. 6,191,785) and Ike (U.S. Patent No. 5,153,756).
2. Claims 6, 26, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Bertram et al. and Ike as applied to claims 1 and 16 above, and further in view of Carroll et al. (U.S. Patent No. 6,121,960).

**Summary of the Response**

Claims 16 and 32 have been amended.

No claims have been cancelled.

**Rejections Under 35 U.S.C. §103(a)**

For the following reasons, Applicant respectfully disagrees with the rejection in the last Office Action.

**Independent Claim 1, 16 And Their Dependent Claims**

The last Office Action failed to establish a *prima facie* basis for making the obviousness rejection. First, every element of claim 1 is not taught by the combination of cited references. Second, no suggestion exists to combine the three references in the manner recited in the Office Action.

**(1) Missing Limitation(s) From Cited References**

Claim 1 recites “detecting *continuous contact* on the image screen *from a first location* corresponding to the prior value *to a second location* corresponding to the new value.” This limitation is not taught or suggested by the cited references.

The Examiner admits that Bertram does not go into detail on how the touch-screen technology can be used to control the slider of the scroll devices continuously, but states that “it is understood that it would operate similar to the description given in relation to the user controlling the slider by a pointing device.” But the specific quote from the specification is: “Other technologies can also be utilized in association with CPU 31, such as touch-screen technology or human voice control.” This sentence states nothing about the invention. Specifically, the sentence does not say or suggest that contact with the display may be used instead of operation of a mouse or clicker, let alone use of the touch-sensitive display to operate a viewing parameter for the display.

Even if the sentence could be interpreted so that Bertram does teach using touch-sensitive controls to manipulate the slider, it does not teach the specific manner that the Applicant is claiming in claim 1. It is possible for touch screen technology to be used to enable the user make *discrete* contacts with a display to indicate a new position of the slider. This would be primitive compared to what is provided by claim 1.

(2) No Suggestion To Combine References

The Office Action did not put forth a suggestion to combine the *three* references being used by the Examiner to make the rejection to claim 1. By omitting a suggestion to combine, the Office Action ignores the requirements of the Federal Circuit. The Federal Circuit has stated:

When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the findings of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness...The factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record. This precedent has been reinforced in myriad decisions, and cannot be dispensed with.

*In re Lee*, 61 USPQ2d 1430 (Federal Circuit, 2002)

*In re Lee* does not permit rejections based on “conclusory statements” of the Examiner regarding the issue of motivation to combine. The Federal Circuit went on to

say that the PTO “must also explain the reasoning by which the findings are deemed to support the agency’s conclusion.”

Here, we have no suggestion to combine the three references. Absent such a motivation or suggestion, the obviousness rejection is improper.

Applicant reiterates the arguments made above with respect to claim 16.

Claims 6, 26, and 28-30 depend from claims 1 and 16. For reasons stated above, Applicant submits that these claims are also allowable.

Independent Claim 32

Applicant requests reconsideration of the rejection to this claim in view of the remarks made above, as well as the amendment made to the claim. None of the cited references teach a mechanism previously associated with the function of displaying the slider, where the portable computer can be triggered to automatically turn on and display the slider. This functionality is recited steps (a) through (c), which are automatically performed in response to detecting the first input mechanism being actuated.

In addition, the arguments made above are repeated for claim 32.

Claims 33-35 depend from claim 32, and are thus allowable for all the reasons stated.

**CONCLUSION**

Applicants respectfully submit that all pending claims are patentable over the art of record. Accordingly, a Notice of Allowance is requested by Applicants. Applicants urge the Examiner to telephone Applicants' attorney at (408) 414-1209 if any issues remain that preclude allowance of the application. The Office is given permission to charge any unpaid fees to Applicants' deposit account (50-1302).

Respectfully submitted,

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In the Claims:

16. (Five Times Amended) A portable computer comprising:  
an image screen comprising pixels, wherein the image screen is adapted to display items of information at levels corresponding to values of a viewing parameter, the values of the viewing parameter vary in response to image screen drive voltages, and different groups of the pixels have different image screen drive voltages;

a first input mechanism that is actuatable to initiate adjustment of viewing parameter values;

a processor; and

a memory coupled with the processor;

the processor being configured to:

respond to actuation of the first input mechanism by displaying at least one graphical user interface element adapted for adjusting the viewing parameter values; and

detect a continuous contact applied to the image screen starting at a first location where the graphical user interface elements is approximately displayed, and ending at a second location that indicates a change in the values of the viewing parameter;

move the graphic user interface element from the first location to approximately the second location in response to detecting the continuous contact;

respond to the continuous contact by adjusting the values of the viewing parameter based on the change.

wherein the method further comprises accepting the new value of the viewing parameter for adjusting image screen drive voltages only if the user contacts the icon.

32. (Amended) A method for adjusting levels of a viewing parameter for an image screen disposed on a portable computer, wherein the image screen includes pixels having output levels, the method comprising:

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maintaining the portable computer in a low power state until any one of a plurality of input mechanisms is actuated;

detecting a first input mechanism in the plurality of input mechanisms being actuated, the first input mechanism being previously associated with displaying one or more graphic user elements;

in response to detecting the first input mechanism being actuated, then automatically performing steps (a)-(c):

(a) switching the computer to an higher power state,

(b) displaying on at least a portion of the image screen a content from a previous use of an application on the portable computer, and

(c) displaying the one or more graphic user-interface elements for adjusting a value of a viewing parameter;

detecting continuous contact on the image screen corresponding to where one of the one or more user-interface elements is being displayed, the continuous contact extending between a first location and a second location, the second location of the contact determining a new value for the viewing parameter;

adjusting the value of the viewing parameter for the image screen to the new value by adjusting drive voltages of the image screen to correspond to the new value for the viewing parameter, the pixels being receptive to the image screen drive voltages so that the pixel output levels respond to the adjusted voltages by providing an adjusted image.